

**REMARKS**

Applicants' representative attempted to contact the Examiner to arrange a personal interview before expiration of the current period for response, but was unable to do so. Applicants herein request a personal interview in accordance with MPEP § 713.01 to discuss the merits of the present invention and to consider the effects of the present amendment thereon.

By the present amendment, Applicants have amended Claims 1, 7 and 13. Claims 1-18 remain pending in the present application. Claims 1, 7 and 13 are independent claims.

In the recent Office Action the Examiner objected to Claims 1, 7 and 13 as containing certain informalities. In particular, the recitation "said channel" has been objected to as having insufficient antecedent basis. By the present amendment, Claims 1, 7 and 13 have been amended to positively recite "a channel", thereby obviating the Examiner's objection. Claims 1, 7 and 13 have been further amended to correct other informalities noted therein.

Claims 1, 2, 6-9 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Conn (US 5,816,010). The indication by the Examiner that Claims 3-5, 10 and 11 would be allowable if rewritten in independent form including all of the limitations

of the base claim and of any intervening claims, and that Claims 13-18 are allowable over the prior art of record is noted with appreciation.

By the present amendment independent Claims 1 and 7 have been amended to more clearly define Applicants' claimed invention over the prior art of record. Applicants will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The Examiner has rejected Claims 1, 2, 6-9 and 12 under 35 U.S.C. § 102(b) as being anticipated by Conn (US 5,816,010). The patent to Conn discloses a construction panel adapted to interconnect with a like panel to form a waterproof connection. The panel (10) has a platform (12) with an upper surface (26), a lower surface (28), a watertight channel (50) and receiver (16) at one edge of the panel, and a connector (14) at the opposite edge of the panel. The connector (14) has a downwardly extending shank (18), an upwardly extending end portion (20) and a connecting bottom portion (22), which forms a trough (24). Panels (10) are interlocked together by engagement of the connector (14) of one panel with the receiver (16) of another panel, and rotating the panel into place about pivot point (48) on channel (50). In comparing Conn to Applicants' amended independent Claims 1 and 7, it can be seen that Conn does not show a drip rail depending downwardly from the bottom surface of said second end panel and said at least

one intermediate panel (Applicants' drip rail 58 depending downwardly from bottom surface 18, as seen in Applicants' Figs. 3-5). In her rejection, the Examiner refers to end portion (20) of Conn as a "drip rail", however, as is clearly seen in Fig. 4 of Conn, end portion (20), or "drip rail", does not depend downwardly from the bottom surface (28), as Applicants' claims now recite. Further, Applicants' Claims 1 and 7 recite "*the drip rail extending into said channel of said first end panel and said at least one intermediate panel and bearing against said channel second wall*" (Applicants' drip rail 58 bearing against channel second wall 50, as seen in Applicants' Figs. 3-5). Regarding this limitation, and referring to Fig. 4 of Conn, the Examiner states, "and drip rail (20) depending from said second end panel (140) and said intermediate panel and spaced apart from said second attachment edge (140) thereof, extending into said channel (G,50) said first end panel and said intermediate panels (10) *and bearing against said channel second wall (46)* (Office Action, p. 3, lines 11-15, emphasis added)." However, as is clearly determined in Fig. 4 of Conn, end portion or "drip rail" (20) does not bear against channel second wall (46), but against receiver (16). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.), cert. denied, 484 U.S. 827 (1987). As noted above, the patent to Conn clearly fails to meet each and every limitation of Applicants' amended claims. Thus, the rejection of Claims 1, 2, 6-9 and 12 under 35 U.S.C. § 102(b) as being anticipated by Conn (US 5,816,010) is improper, and should be withdrawn.

*Application Serial No.: 10/770,481*  
*Art Unit: 3635*

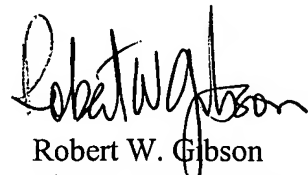
*Attorney Docket No. 23289.00*  
*Confirmation No. 1884*

The remaining patents made of record in the present application, but not relied upon by the Examiner in rejecting any of the claims, have also been carefully reviewed, however, Applicants find nothing therein which would overcome or supply that which is lacking in the basic applied prior art noted above.

The claims in this application have been revised to more particularly define Applicants' unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the above-noted reasons is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Gibson". The signature is stylized with a large, looped "R" and a cursive "Gibson".

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